

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL CREDIT UNION
ADMINISTRATION BOARD, etc.,

Plaintiff,

v.

BARCLAYS CAPITAL, et al.,

Defendants.

Case No. 1:13-CV-06727 (DLC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/22/15

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

NATIONAL CREDIT UNION
ADMINISTRATION BOARD, etc.,

Plaintiff,

v.

BARCLAYS CAPITAL, et al.,

Defendants.

Case No. 2:12-CV-02631 – JWL-JPO

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING THE SCHEDULE FOR THE BARCLAYS ACTIONS**

WHEREAS, numerous RMBS securities actions brought by NCUA in the Central District of California, the District of Kansas, and the Southern District of New York were coordinated by these Courts in April 2014; and

WHEREAS, the Courts issued certain orders to facilitate such coordination, including the Master Discovery Protocol (“MDP”), the Loan File Reunderwriting Protocol (“LFRP”), and the Master Protective Order (“MPO”);

WHEREAS, the Barclays action in the Southern District of New York (“*Barclays* SDNY”) was formally made subject to such coordination, but the Barclays action in the District of Kansas (“*Barclays* Kansas”) was not because, in April 2014, it had been dismissed in its entirety in the District Court and was pending appeal in the Tenth Circuit;

WHEREAS, the Tenth Circuit issued an opinion reversing the decision to dismiss *Barclays* Kansas on March 3, 2015; denied the petition for rehearing and rehearing en banc on April 22, 2015; and issued the mandate on April 29, 2014; and

WHEREAS, the parties wish to submit a proposed schedule for *Barclays* Kansas that, in some respects, modifies the existing schedule for *Barclays* SDNY in the MDP;

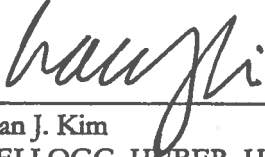
NOW, THEREFORE, in light of the foregoing, and for good cause shown, it is hereby stipulated and agreed by and among the parties to the above-captioned actions, subject to the approval of the Courts, as follows:

1. *Barclays* Kansas shall be coordinated with the other pending RMBS actions under the Master Discovery Protocol (“MDP”), the Loan File Reunderwriting Protocol (“LFRP”), the Master Protective Order (“MPO”), and related orders.
2. The schedules attached as Exhibits A and B hereto shall apply to *Barclays* Kansas and *Barclays* SDNY, superseding any conflicting deadlines in the MDP and LFRP for *Barclays* SDNY.
3. There will be no change to the existing deadline of July 17, 2015, for the end of fact discovery from plaintiff NCUA. As that discovery is being coordinated across all actions and all Defendants, and as NCUA has produced documents related to the reinstated certificates in March and April 2015, the depositions of plaintiff’s witnesses for all of the certificates in *Barclays* SDNY

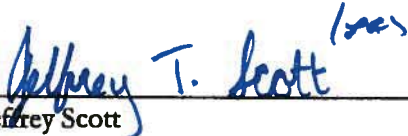
and *Barclays* Kansas shall take place under the existing schedule. For the avoidance of doubt, Barclays does not presently intend to seek any fact discovery from NCUA or the credit unions after July 17, 2015, but reserves the right to petition the Court to re-open discovery against NCUA for a limited purpose upon a showing of good cause (e.g., NCUA failed to produce material documents relating to a witness until after the witness had been deposed).

4. The parties do not believe that the schedules attached as Exhibits A and B will cause any delay in the New York or Kansas trial dates set forth in § 13 of the MDP. Under it, *Barclays* SDNY will be ready for trial in either June or September 2016, and *Barclays* Kansas will be ready for trial before March 2017. For the avoidance of doubt, Barclays will not argue that the schedules set forth in Exhibits A and B make *Barclays* SDNY unsuitable for trial in June 2016, but reserves the right to argue based on other factors that it would be better suited for trial in September 2016.

STIPULATED AND AGREED:



Wan J. Kim
KELLOGG, HUBER, HANSEN, TODD,
EVANS & FIGEL, PLLC
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
wkim@khhte.com
Counsel for NCUA



Jeffrey Scott
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
scottj@sullcrom.com
Counsel for Barclays Defendants

SO ORDERED:

Dated: May 22, 2015

/s/ Denise Cote

United States District Court Judge

Dated: May 22, 2015

/s/ George H. Wu

United States District Court Judge

Dated: May 22, 2015

/s/ John W. Lungstrum

United States District Court Judge

Dated: May 22, 2015

/s/ James P. O'Hara

United States Magistrate Judge

EXHIBIT A

	Current MDP Schedule	The Parties' Proposed Schedule for S.D.N.Y.	The Parties' Proposed Schedule for D. Kan.
Substantial Completion of Document Production	10/31/2014	10/31/2014	7/17/2015
Fact Discovery Ends	7/17/2015	Deadline for discovery from NCUA: SAME Deadline for discovery from Barclays: 9/30/2015	Deadline for discovery from NCUA: SAME Deadline for discovery from Barclays: 9/30/2015
Opening Expert Reports	8/14/2015	11/4/2015	2/5/2016
Rebuttal Expert Reports	10/16/2015	1/4/2016	4/8/2016
Reply Expert Reports	11/20/2015	2/4/2016	5/13/2016
Expert Discovery Ends	1/15/2016	3/4/2016	6/24/2016
Summary Judgment Motions Due	2/5/2016	3/18/2016	7/22/2016
Summary Judgment Motions – fully submitted	3/25/2016	5/3/2016	9/9/2016
Trials in SDNY – Tranche 1	June 2016	June 2016	N/A
Trials in SDNY – Tranche 2	September 2016	September 2016	N/A

EXHIBIT B

	Current LFRP Schedule	Parties' Proposed Schedule for S.D.N.Y.	Parties' Proposed Schedule for D. Kan.
§ (a)	4/18/2014	SAME	5/22/2015
§ (b)	5/16/2014	SAME	6/22/2015
§ (c)	6/27/2014	SAME	7/22/2015
§ (i)	5/15/2015	SAME	11/6/2015
§ (k)	2/20/2015	SAME	8/14/2015